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SUBJECT: ECUADORIAN ELECTIONS UPDATE #2

REF: QUITO 2578

1. (SBU) Summary: This cable provides an update of developments related to the upcoming October 17 provincial and local elections. Most procedural issues are moving toward resolution, the OAS has confirmed an electoral observation mission which Embassy volunteers will participate in, and the Supreme Electoral Tribunal (TSE) has preempted Congress on the issue of how to allocate council seats. End Summary.

TSE "Resolves" How to Allocate Seats

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2. (SBU) On September 28, the TSE approved the "Imperial" method to divide seats on provincial and municipal and rural councils among political parties based on the number of votes won by party. By doing so, the TSE filled a vacuum in the electoral law since the previous, which had artificially boosted representation by smaller parties, was challenged and struck down as unconstitutional. The accord was supported by the three largest parties (PSC, ID and Pachakutik), and by the TSE president (of the PRIAN). Small party leaders (including President Gutierrez) have criticized the right of the TSE to "legislate" electoral law, and hope to muster enough votes in Congress to pass a new law. Cesar Montufar, coordinator of the electoral watchdog NGO "Citizens Participation," has also challenged the constitutionality of the TSE move and urged Congress to act to correct it.

OAS Observation Mission Confirmed

3. (SBU) The OAS has confirmed it is sending an Election Observation Mission led by Edgardo Reis and composed of 5 core staff who arrive in Quito on October 5. This group will be supplemented by 15 additional observers who will arrive shortly before the election.

Embassy Observation Plans

4. (SBU) The Embassy will offer volunteers to supplement the OAS Election Observation Mission. The tentative plan is to deploy 5-10 teams of two U.S. mission observers to Quito/Pichincha, Guayaquil/Guayas, Esmeraldas, Manta/Manabi, Cuenca/Azuay and possibly Tena/Napo and/or Otavalo/Imbabura province. Details remain to be worked out this week with OAS EOM chief Reis.

Electoral Dry Runs Go Smoothly

5. (U) On October 2, provincial electoral councils conducted a successful simulation of election procedures with assistance from the OAS electoral unit. On the same day, Citizens Participation (PC) carried out its own electoral observation simulation throughout the country. A total of 2,300 volunteer electoral observers simulated observation activities and 120 young volunteers registered the data at PC's call centers in the capital. Data was then processed by PC's divisions of Analysis, Recovery, Emergencies, and Communications in order to test the entire set of operations planned for its observation and quick count on election day. Minor technical and communications problems were detected and will be adjusted before October 17th.

TSE Improves Observation Rules

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6. (U) On October 4 the TSE issued the final version of the regulation for Electoral Observation, which eliminated cumbersome requirements in earlier drafts. The modification was praised by Citizen Participation, which plans to field 3,100 domestic volunteer observers on elections day.

Campaign Spending Excesses

7. (U) According to Citizens' Participation, some candidates

have already exceeded artificially low campaign spending limits in the races for mayor of Guayaquil and Quito, and for prefect of Pichincha, including Jimmy Jairala (PRE), Rodrigo Paz (Quito in Action), and Federico Perez (DP), respectively. PC also reported major increases in municipal spending on publicity during the electoral campaign in Quito and Guayaquil, and by the national government (\$536,633) to publicize public works.

Invitation to Federal Elections Commission

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18. (SBU) The TSE has provided the Embassy with a copy of a letter sent September 21 inviting Bradley A. Smith, President of the Federal Election Commission, to witness Ecuador's local and provincial elections October 17 (copy of letter faxed to WHA/AN D).

Quito Gun Threat

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19. (U) On September 28, Rodrigo Paz, the challenger for mayor of Quito, filed a complaint with authorities claiming his life had been threatened by a guard at municipal trolley-bus station. The incident reportedly occurred while Paz and his campaign workers were attempting to distribute campaign material. The guard, who was subsequently taken into custody by police, reportedly shot twice in the air during the confrontation. Trolley officials claimed the guard was reacting to physical threats from the campaign workers after attempting to enforce the ban on campaign activity on public property.

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